

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FRANCIE RACHAL

v.

SELECT PORTFOLIO SERVICING, INC.,  
and DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS TRUSTEE, IN  
TRUST FOR THE REGISTERED  
HOLDERS OF MORGAN STANLEY ABS  
CAPITAL I INC. TRUST 2006-HE8,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006 H38

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Civil Action No. 4:17-CV-871

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(Judge Mazzant/Judge Nowak)

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## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 5, 2018, the report of the Magistrate Judge (Dkt. #31) was entered containing proposed findings of fact and recommendations that Defendants Select Portfolio Servicing, Inc. and Deutsche Bank National Trust Company, as Trustee, in Trust for the Registered Holders of Morgan Stanley ABS Capital I Inc. Trust 2006-HE8, Mortgage Pass-Through Certificates, Series 2006 H38's Motion to Dismiss (Dkt. #20) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants Select Portfolio Servicing, Inc. and Deutsche Bank National Trust Company, as Trustee, in Trust for the Registered Holders of Morgan Stanley ABS Capital I Inc. Trust 2006-HE8, Mortgage Pass-Through Certificates, Series 2006 H38's Motion to Dismiss (Dkt. #20) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff Francie Rachal's Real Estate Settlement Procedures Act claim is **DISMISSED**.

**IT IS SO ORDERED.**

**SIGNED this 28th day of June, 2018.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE